



DEPARTMENT OF THE NAVY
COMMANDER, MILITARY SEALIFT COMMAND
914 CHARLES MORRIS CT SE
WASHINGTON NAVY YARD DC 20398-5540

IN REPLY REFER TO

12720

Ser N00 002176
16 JUL 2013

MEMORANDUM FOR DISTRIBUTION

Subj: REASONABLE ACCOMMODATION (RA) POLICY

Ref: (a) The Rehabilitation Act of 1973, as amended
(b) The Americans with Disabilities Act (ADA) of 1990
(c) ADA Amendments Act of 2008.
(d) Department of the Navy Civilian Human Resources
Manual (DON CHRM) Subchapter 1606
(e) COMSC Instruction 12720.4

Encl: (1) Processing Requests for Reasonable Accommodation

1. As Commander and Equal Employment Opportunity Officer, I am personally committed to Military Sealift Command's (MSC) full compliance with the reasonable accommodation requirements in accordance with references (a) through (e). All supervisors and managers must provide reasonable accommodations to qualified employees or applicants with disabilities, unless to do so would cause an undue hardship to the operations of MSC. Requests for reasonable accommodations will be processed promptly, fairly, and efficiently in accordance with references (a) through (e).

2. Enclosure (1) outlines procedures for processing requests for reasonable accommodation for individuals with disabilities. MSC supervisors and managers are expected to expeditiously process requests for reasonable accommodation made by employees and applicants. If you have questions concerning this policy please contact the EEO office.

3. This policy is effective until superseded or rescinded. Post this policy on all official bulletin boards and MSC websites for ashore and afloat employees' viewing.


T. K. SHANNON

PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

1. Initiating the process.

a. It is the responsibility of the employee or applicant to inform the employer that an accommodation is required to perform the essential job functions or to complete the application process. The individual does not have to use specific words such as "reasonable accommodation, disability, or Rehabilitation Act" when making the request.

b. The request may be oral or in writing and may be from the individual or from a person acting on the individual's behalf such as a supervisor, a health professional, or a family member. Any oral requests should be followed up in writing.

c. Requests for accommodation may include making existing facilities accessible, job restructuring, leave, a modified or part-time work schedule, providing qualified readers or interpreters, and providing a reassignment etc.

d. A request for accommodation may be made at any time.

2. Coordinating the Request.

a. Requests, for accommodation will be handled by the first-line supervisor. This process may include communicating with the requester for clarification; obtaining and exchanging information to the extent necessary regarding needs and alternatives; searching for solutions; consulting EEO, servicing agency counsel, outside agencies, and evaluating possible accommodations.

b. If the supervisor does not have authority to approve the request, the request must contact promptly to the Disability Program Manager (DPM) and coordinate the process together. The DPM will forward a copy of request for reasonable accommodation if it cost of more than \$5,000 or affecting the terms or working conditions of employment, to the servicing agency attorney (N00L) and the Director of Civilian Personnel Program (N1), as part of the coordination process.

c. Requests for accommodation from applicants will be handled by the servicing human resources specialist responsible for the recruitment and/or selection action.

d. Request for adaptive equipment, including information technology, specially designed furniture, communications equipment, or other assistive technology, will be coordinated with the DOD Computer/Electronic Accommodation Program (CAP) (<http://www.cap.mil/>), DPM, and supervisor.

e. Requests for readers, sign language interpreters, or other staff assistants to enable employees to perform their job functions, where the accommodation cannot be provided by the activity's staff, will be coordinated with the EEO Office.

f. Requests for removal of architectural barriers, including reconfigured work spaces and requests for accessible parking, will be coordinated with facilities.

3. Time Limits.

a. The supervisor, DPM and RA Board will process requests for reasonable accommodation and provide accommodations, where appropriate, as soon as reasonably possible. However, the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information and/or medical documentation.

b. Requests for reasonable accommodation that can be processed and approved by the immediate supervisor, where no medical documentation is required and extenuating circumstances apply, should be granted, modified, or denied within 30 business days from the date of the initial request. Extenuating circumstances can include, but are not limited to obtaining medical documentation, coordinating with outside organizations or agencies, purchasing and installing equipment, and workplace renovations. Where extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary.

4. Medical Information.

a. When the disability and/or need for accommodation is not obvious, the employer or applicant seeking accommodation may be asked to provide appropriate medical information related to the function impairment and/or limitations at issue and the requested accommodation. Medical information will only be requested to the extent reasonably necessary to establish that the requesting individual has a disability that is covered under the Americans with Disabilities Act (ADA) substantially limiting

a major life activity and/or to identify functional limitations. Requested medical documentation will be kept separate from the employee's personnel records.

b. An Authorization for Disclosure of Medical or Dental Information form will be used to request the use and/or disclosure of an individual's protected health information in order to process the reasonable accommodation request. Entire medical records may not be requested or furnished, as they may contain information unrelated to whether an applicant or employee can perform essential job functions.

c. Once the medical documentation is provided, the RA Board may determine if a reasonable accommodation will be provided and elect to approve the request for reasonable accommodation.

5. Reassignment. Offering a job reassignment is only to be considered if there is no accommodation available to the individual to perform the essential functions of the current job, or if the only effective accommodation would cause undue hardship. If reassignment is being considered, the RA Board and supervisor must consult with the servicing the EEO Office/Director of Civilian Personnel Program (N1) office.

6. Denial/Delay of Requested Accommodation.

a. In determining whether a proposed accommodation poses an undue hardship, the overall resources and options available to MSC must be considered, not just the budget or resources of an individual segment, sub-component, or MSC.

b. Prior to denying a request for accommodation or a particular accommodation requested, the RA Board and supervisor must consult with the EEO Officer, DPM and the servicing agency attorney.

c. Denials should be immediately communicated to the individual who requested the accommodation. When it is determined that a request for reasonable accommodation will be denied, the individual requesting the accommodation must be notified in writing of the denial. It should be written in plain language, clearly stating the specific reasons for the denial.

d. Denials must also inform the individual that he or she has the right to file an EEO complaint and inform him or her about the availability of the informal dispute resolution process.

e. If a reasonable accommodation cannot be provided immediately, the RA Board and supervisor must inform the individual in writing of the delay and projected time frame for providing the accommodation.

7. Recordkeeping. The supervisor/official who processed the accommodation request will submit a reasonable accommodation information report to the local DPM (EEO Office) and provide a copy of the report to MSC EEO. Information reports will approval or denial status. MSC EEO will include information obtained in the command's Federal Agency Annual EEO Program Status Report.

8. Documents and Forms. Copies of the Reasonable Accommodation Information Report can be received from the DPM.